

HB 765 -- GUARDIAN AD LITEM FEES

SPONSOR: Cornejo

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 7 to 4.

This bill excludes guardian ad litem fees from the costs and expenses that may be waived, in certain civil actions, without the necessity of a motion and court approval.

PROPOSERS: Supporters say that this simply removes guardian ad litem fees from the fees that can be waived, and it gives discretion back to judges when they hear cases on the appointment of a guardian ad litem.

Testifying for the bill were Representative Cornejo and Missouri Association of Probate and Association Circuit Judges.

OPPOSERS: Those who oppose the bill say that, oftentimes, domestic violence clients cannot afford the guardian ad litem fees, and this will make it so they can't proceed through the family court process to secure the rights they deserve. These people are in the most need of help and they will not be able to afford the astronomical costs for guardians ad litem.

Testifying against the bill was the Missouri Coalition Against Domestic And Sexual Violence.

OTHERS: Others testifying on the bill say this gives judges the discretion to deny access to the court, and this could require an indigent client to pay a guardian ad litem fee. This would have a chilling effect on escaping abuse. Additionally, this fee is not discharge-able in bankruptcy court.

Testifying on the bill was Joseph Dandurand, Legal Aid of Missouri.